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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,707

01/26/2004

Dave Williams

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9186

7590

05/16/2005

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT

PAPER NUMBER

3679

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,707

Applicant(s)

WILLIAMS ET AL

Examiner

Michael P. Ferguson

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/648,405.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02/08/05</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Priority

1. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification or in an application data sheet by identifying the prior application by application number (37 CFR 1.78(a)(2) and (a)(5)). If the prior application is a non-provisional application, the specific reference must also include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Claim Objections

2. Claims 2, 4, 5 and 9 are objected to because of the following informalities:

Claim 2 (line 4) recites "the computer chassis, into the standardized screw holes". It should recite --a computer chassis, into standardized screw holes--.

Claim 4 (line 1) recites "A screw less means". It should recite --A screwless means--.

Claim 5 (line 4) recites "the computer chassis, into the standardized screw holes". It should recite --a computer chassis, into standardized screw holes--.

Claim 9 (line 3) recites "Sliding". It should recite --sliding--.

Claim 9 (line 5) recites "Positioning". It should recite --positioning--.

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Claim 9 (line 6) recites "the computer chassis". It should recite --a computer chassis--.

Claim 9 (line 8) recites "Engaging". It should recite --engaging--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ho (US 5,599,080).

As to claim 1, Ho discloses a screwless means for attaching a computer drive 2 comprising securing clips 11,18 and securing pins 12,13 (Figures 3-6).

As to claim 2, Ho discloses a screwless computer drive attachment means wherein the securing clips 11,18 further comprise two securing pins 12,13 capable of fitting through holes present on a computer chassis 3, into the standardized screw holes present on the computer drive 2 (Figure 3).

As to claim 3, Ho discloses a screwless computer drive attachment means further comprising means 31,32 for attaching the securing clips 11,18 to the computer chassis 3 (Figure 4).

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As to claim 4, Ho discloses a screwless means for attaching a computer drive **2** comprising securing clips **11,18**, securing pins **12,13** and clip mounting features **31,32** (Figures 3-6).

As to claim 5, Ho discloses a screwless computer drive attachment means wherein the securing clips **11,18** further comprise two securing pins **12,13** capable of fitting through holes present on a computer chassis **3**, into standardized screw holes present on the computer drive **2** (Figure 3).

As to claim 6, Ho discloses a screwless computer drive attachment means wherein the securing clips **11,18** further comprise flexible tabs **1,18** designed to engage the clip mounting features **31,32** (Figure 4).

As to claim 7, Ho discloses a screwless computer drive attachments means further comprising means (integrally formed) for attaching the clip mounting features **31,32** to the computer chassis **3** (Figure 4).

As to claim 8, Ho discloses a screwless computer drive attachments means wherein the clip mounting features **31,32** are formed from and as a part of the computer chassis **3** (Figure 4).

As to claim 9, Ho discloses a method of assembling a computer drive comprising the steps of:

sliding a computer drive **2** along rails into a drive mounting bracket **3**;
positioning securing clips comprising securing pins **18** through pin alignment holes **32** present on a computer chassis **3**; and

engaging flexible tabs 11 present on the securing clips with clip mounting features 31 located on the computer chassis (Figure 4).

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 and 7 of U.S. Patent No. 6,885,550. Although the conflicting claims are not identical, they are not patentably distinct from each other because the limitations of the application encompass the

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limitations of the patent. The limitations of claims 1-9 of the application although broader are obviously met by claims 1-5 and 7 of the patent because it is obvious that the "screwless computer drive attachment means comprising securing clips and securing pins" of instant claims 1-9 is encompassed by the "securing clip having at least one securing pin and at least one flexible tab for engaging said pin hole and said clip mounting feature of the chassis" of patent claims 1-5 and 7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to computer drive attachment means:

Jung (US 6,069,789) and Chang (US 5,542,757) are cited for pertaining to attachment means comprising securing clips and securing pins.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MPF
05/03/05



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